

enforcement, over-the-road bus operators, and nonprofit employee labor organizations. The program shall include security training for determining the following, including: the seriousness of an incident or threat; driver and passenger communication; appropriate responses and training related to terrorist incidents; understanding security procedures; operation and maintenance of security equipment. Not later than 90 days upon issuance of the regulations, the over-the-road bus operators shall develop security training programs, which the Secretary shall review not later than 60 days upon receipt. Not later than 1 year after receiving the Secretary's approval of the program, the over-the-road bus operator shall complete the security training of all over-the-road bus frontline employees. The Secretary shall update the training regulations, as appropriate and shall ensure that the program developed is a component of the National Training Program. Not later than 2 years after the issuance of the regulation, the Secretary shall review the program and report to the appropriate Congressional Committees.

Section 1535. Over-the-Road Bus Security Research and Development

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of ongoing research and the need for additional research on over-the-road bus security, including engine shut-off mechanisms, chemical and biological weapon detection technology, and the feasibility of compartmentalization of the driver.

The Conference substitute adopts a provision that requires the Secretary, acting through the Under Secretary for Science and Technology and the Administrator of the Transportation Security Administration, to establish a research and development (R&D) program for over-the-road bus security. Eligible R&D projects include the following: reducing the vulnerability to explosives and hazardous chemical, biological and radioactive substances; testing of new emergency response and recovery techniques; developing improved technologies for emergency response training, and security and redundancy for critical communications. The R&D program shall be consistent with other transportation security R&D programs required by the Act, and shall be coordinated with related activities within the DHS as well as DOT, in addition to R&D conducted by additional entities and agencies. The provision permits R&D projects authorized in this section to be enacted through a reimbursable agreement, if necessary, or memoranda of understanding, contracts, grants, cooperative agreements or other applicable transactions. The Conference substitute also requires the Secretary to consult with the Chief Privacy Officer of the Department, and the Officer for Civil Rights and Civil Liberties, who must conduct privacy impact assessments and reviews, respectively and as appropriate, for R&D initiatives that could have an impact on privacy, civil rights or civil liberties. Finally, the provision authorizes \$2 million for each of Fiscal Years 2008 through 2011.

Section 1536. Motor Carrier Employee Protections

There is no comparable House provision.

Section 1430 of the Senate bill updates the existing railroad employee protections statute to protect railroad employees from ad-

verse employment impacts due to whistleblower activities related to rail security.

The Conference substitute adopts a provision related to the Senate provision which expands whistleblower protections to motor carrier, including over-the-road bus, employees. It amends the current motor carrier employee whistleblower provision for safety to include whistleblower protections and increase employee protections related to security. This provision prohibits motor carriers from discriminating against or discharging any employee who reports a safety or security threat, or who refuses to work when confronted by hazardous safety or security conditions. The Conference substitute also provides employees with additional administrative and civil remedies, including de novo review of a complaint in Federal District Court if the Department of Labor does not issue an order related to the complaint in a timely fashion. It authorizes all relief necessary to make a whistleblower whole, including damages, reinstatement with prior seniority status, special damages, and attorneys' fees. Punitive damages are also made available to employees in an amount not exceed \$250,000.

The Conference believes that motor carrier, including over-the-road bus, employees must be protected when reporting a safety or security threat or refusing to work when confronted by hazardous safety or security condition. The Conference, through this provision, intends to protect covered employees in the course of their ordinary duties. The intent of this provision is to ensure that employees can report their concerns without the fear of possible retaliation or discrimination from employers.

Section 1537. Unified Carrier Registration System Agreement

There is no comparable House provision.

Section 1436 of the Senate bill reinstates the Single State Registration System (SSRS) used by some States to levy motor carrier registration fees. This system was repealed pursuant to the Safe, Accountable, Flexible and Efficient Transportation Equity Act—A Legacy for Users (SAFETEA-LU) in the 109th Congress and a new Unified Carrier Registration (UCR) system was required to be developed. However, the Department of Transportation missed the deadlines to implement the new UCR system, meaning the States no longer have the necessary Federal authority to charge motor carriers registration fees. The Senate provisions reinstate the SSRS system until the UCR is implemented and thus provide authority for the States to collect registration fees.

The Conference substitute adopts a modified version of the Senate provision which will extend the effect of Section 14504 of title 49, U.S. Code, until January 1, 2008 or the effective date of final regulations issued under this section. The provision establishes a deadline of not later than October 1, 2007 for the Federal Motor Carrier Safety Administration (FMCSA) to issue final regulations to establish the Unified Carrier Registration System and set fees for the calendar year 2008 and subsequent calendar years, as required by law. The provision also amends relevant sections of SAFETEA-LU. By enacting this provision, the Conference does not intend that FMCSA should wait until 2008 to enact the Unified Carrier Registration System, in the event that the necessary regulations and fee structure are finalized in 2007. The Conference believes that FMCSA has the authority to set fees for 2007 pursuant to SAFETEA-LU and urges the expeditious enactment of the UCR plan and agreement and system as soon as possible.

Section 1538. School Bus Transportation Security

There is no comparable House provision.

While there is no comparable Senate provision, Section 1447 of the Senate bill requires the Secretary of Homeland Security to establish a program within TSA to make grants to private over-the-road bus operators and over-the-road bus terminal operators for the purposes of improving bus security. The section also requires the Secretary to undertake a bus security assessment that would include an assessment of school bus security, if the Secretary deems it appropriate.

The Conference substitute expands upon the Senate provision and directs the Secretary to transmit a report to the appropriate Congressional Committees containing a comprehensive assessment of the risk of a terrorist attack on the Nation's school bus transportation system. The report shall include assessments of the following: the security risks to the Nation's publicly and privately operated school bus systems; actions taken by operators to address security risks; and the need for additional actions and investments to improve the security of passengers traveling on school buses. In conducting these assessments, the Secretary shall consult with relevant stakeholders.

Section 1539. Technical amendment

There is no comparable House provision.

There is no comparable Senate provision.

The Conference substitute amends subsection 1992(d)(7) of title 18, United States Code, to clarify that a definition includes intercity bus transportation.

Section 1540. Truck security assessment

There is no comparable House provision.

Section 1445 of the Senate bill requires the Secretary, in coordination with the Secretary of Transportation, to transmit a report to Congress on security issues related to the trucking industry.

The Conference substitute adopts the Senate provision, as modified. The Conference substitute requires the Secretary of Homeland Security, in coordination with the Secretary of Transportation, to issue a report, in either classified or redacted format, or both, within one year that includes an assessment of the security risks to the trucking industry, an assessment of truck security actions already taken by public and private entities, an assessment of the economic impact that security upgrades might have on the trucking industry, an assessment of ongoing security research, an assessment of industry best practices, and an assessment of the current status of secure truck parking.

Section 1541. Memorandum of Understanding Annex

There is no comparable House provision.

Section 1443 of the Senate bill requires an annex to the existing Memorandum of Understanding between the Department of Transportation and the Department of Homeland Security governing the specific roles, delineations of responsibilities, resources and commitments of the two Departments in addressing motor carrier transportation security.

The Conference substitute adopts the Senate provision with a minor modification to emphasize that motor carrier transportation includes over-the-road bus transportation.

Section 1542. DHS Inspector General Report on Trucking Security Grant Program

There is no comparable House provision.

Section 1453 of the Senate bill requires the Inspector General of the Department to submit a report to Congress within 90 days of enactment on the Trucking Security Grant Program for Fiscal Years 2004 and 2005.

The Conference substitute adopts the Senate provision, as amended, to require the Inspector General of the Department of Homeland Security to submit an additional report within one year to Congress that analyzes,